

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

AARON SIEGEL, JASON COOK,
JOSEPH DELUCA, NICOLE CUOZZO,
TIMOTHY VARGA, CHRISTOPHER
STAMOS, KIM HENRY, and
ASSOCIATION OF NEW JERSEY RIFLE
& PISTOL CLUBS, INC.,

Plaintiffs,

v.

MATTHEW J. PLATKIN, in his official
capacity as Attorney General of the State of
New Jersey, and PATRICK J.
CALLAHAN, in his official capacity as
Superintendent of the New Jersey State
Police,

Defendants.

Hon. Renée Marie Bumb, U.S.D.J.
Hon. Ann Marie Donio, U.S.M.J.

Docket No. 1:22-cv-07463

**CIVIL ACTIONS
(ELECTRONICALLY FILED)**

RONALD KOONS; NICHOLAS
GAUDIO; JEFFREY M. MULLER; GIL
TAL; SECOND AMENDMENT
FOUNDATION; FIREARMS POLICY
COALITION, INC.; COALITION OF
NEW JERSEY FIREARM OWNERS; and
NEW JERSEY SECOND AMENDMENT
SOCIETY,

Plaintiffs,

v.

Hon. Renée Marie Bumb, U.S.D.J.
Hon. Ann Marie Donio, U.S.M.J.

Docket No. 1:22-cv-07464

MATTHEW J. PLATKIN, in his official capacity as Attorney General of the State of New Jersey, and PATRICK J. CALLAHAN, in his official capacity as Superintendent of the New Jersey State Police,

Defendants.

MOTION OF BRADY FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF IN SUPPORT OF DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTIONS FOR PRELIMINARY INJUNCTION

1. Brady respectfully moves, through undersigned counsel, for leave to file the attached brief, as *amicus curiae*, in support of Defendants' opposition to Plaintiffs' motions for a preliminary injunction. The proposed brief is attached.

2. All parties have consented to the filing of the attached *amicus* brief.

3. *Amicus curiae* Brady is the nation's most longstanding non-partisan, non-profit organization dedicated to reducing gun violence through education, research, legal advocacy, and political action. Brady has filed numerous *amicus* briefs in cases involving the constitutionality of firearms regulations, including *New York State Rifle & Pistol Association, Inc. v. Bruen*, 142 S. Ct. 2111 (2022); *District of Columbia v. Heller*, 554 U.S. 570 (2008); and *Guedes v. Bureau of Alcohol, Tobacco, Firearms & Explosives*, 45 F.4th 306 (D.C. Cir. 2022). Multiple decisions have cited Brady's research and expertise on these issues. *See, e.g., U.S. v. Hayes*, 555 U.S. 415 (2009); *McDonald v. City of Chicago*, 561 U.S. 742, 858 (Stevens, J., dissenting); *National Association for Gun Rights, Inc. v. City of San Jose*, 2022 WL 3083715 (N.D. Cal. Aug. 3, 2022).

4. "The classic role of an *amicus curiae* is to assist in a case of general public interest, to supplement the efforts of counsel, and to draw the court's attention to law that

might otherwise escape consideration.” *U.S. v. Alkaabi*, 223 F. Supp. 2d 583, 592 (D.N.J. 2002). Thus, the district court may accept *amicus* briefs where it “deems the proffered information timely and useful or otherwise,” *Yip v. Pagano*, 606 F. Supp. 1566, 1568 (D.N.J. 1985), *aff’d*, 782 F.2d 1033 (3d Cir. 1986) (quoting 3A C.J.S. *Amicus Curiae* § 3 (1973), and has “broad discretion” to do so, *Alkaabi*, 223 F. Supp. 2d at 592.

5. Procedurally, “the Third Circuit’s application of Fed. R. App. P. 29, which governs the appearance of *amici* in the United States Courts of Appeals, provides guidance to this Court.” *Id.* Pursuant to Rule 29(a)(3) of the Federal Rules of Appellate Procedure, a motion for leave to file an *amicus curiae* brief “must be accompanied by the proposed brief and state (A) the movant’s interest; and (B) the reason why an amicus brief is desirable and why the matters asserted are relevant to the disposition of the case.”

6. Brady has a substantial interest in ensuring that the Constitution is construed to protect Americans’ fundamental right to live. Brady also has a substantial interest in protecting the authority of democratically elected officials to address the nation’s gun violence epidemic and in particular the state of New Jersey’s interest in addressing the risks and societal costs of gun-related accidents.

7. In the attached *amicus* brief, Brady seeks to fill the “classic role” of *amicus curiae* by adding to the parties’ briefing on the constitutionality of the liability-insurance requirement of N.J.P.L. 2022, Chapter 131 § 4. Although this type of requirement may not be familiar in the context of firearms, American governments have long harnessed the private insurance market to allocate the costs of the risks that are inherent in a range of activities. Moreover, a survey of historical materials of the kind addressed in *Bruen* demonstrates that this American solution of mandatory liability insurance is consistent with

the way our governments have always addressed the costs of firearm risks. In offering the attached *amicus* brief, Brady seeks to assist the court by explaining how insurance requirements work and this history in greater detail, to demonstrate that any minimal burden that the requirement might impose is fully consistent with the nation's history of Second Amendment regulation.

8. As an organization that closely examines innovative legal approaches to gun violence, Brady is well-positioned to add to the briefing on these important issues. In particular, Brady has examined the liability-insurance issues addressed in this brief, including in an *amicus curiae* brief concerning similar insurance issues submitted in *National Association for Gun Rights, Inc. v. City of San Jose*, 2022 WL 3083715 (N.D. Cal. Aug. 3, 2022), and cited numerous times by the court in its order denying the plaintiffs' motion for a preliminary injunction in that case.

WHEREFORE, Brady respectfully requests leave of the Court to file the attached brief as *amicus curiae*.

Dated: February 16, 2023

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Respectfully Submitted,

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CERTIFICATE OF SERVICE

I certify that on February 16, 2023, I electronically filed the foregoing BRIEF OF BRADY AS *AMICUS CURIAE* IN SUPPORT OF DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTIONS FOR PRELIMINARY INJUNCTION with the Clerk of the United States District Court for the District of New Jersey. Counsel for all parties are registered CM/ECF users and will be served via CM/ECF.

Dated: February 16, 2023

/s/ David A. Luttinger, Jr.
David A. Luttinger, Jr. (DL3180)